

OPINION 794

SPALEROSOPHIS JAN, 1865 (REPTILIA): VALIDATED UNDER THE
PLENARY POWERS

RULING.—(1) Under the plenary powers the generic name *Chilolepis* Fitzinger, 1843, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The generic name *Spalerosophis* Jan, 1865 (gender: masculine), type-species, by monotypy, *Sphalerosophis* (sic) *microlepis* Jan, 1865, is hereby placed on the Official List of Generic Names in Zoology with the Name Number 1741.

(3) The specific name *microlepis* Jan, 1865, as published in the binomen *Sphalerosophis* (sic) *microlepis* (type-species of *Spalerosophis* Jan, 1865) is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2176.

(4) The following generic names are hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology with the Name Numbers specified:

(a) *Chilolepis* Fitzinger, 1843 (as suppressed under the plenary powers in (1) above) (Name No. 1892);

(b) *Sphalerosophis* Jan, 1865 (an incorrect original spelling for *Spalerosophis* by the action of Marx, 1959, as first reviser) (Name No. 1893).

HISTORY OF THE CASE (Z.N.(S.) 1627)

The present case was submitted to the office of the Commission in January 1964 by Professor Eugen Kramer. Professor Kramer's application was sent to the printer on 28 February 1964 and was published on 16 October 1964 in *Bull. zool. Nomencl.* **21** : 305. Public Notice of the possible use of the plenary powers in the present case was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nomencl.* **21** : 184) and to two herpetological serials.

The proposal to suppress *Chilolepis* Fitzinger was supported by Professor R. Mertens (*Bull. zool. Nomencl.* **22** : 14) and by Professor Hobart M. Smith, who both, however, requested the preservation of the spelling *Spalerosophis*.

DECISION OF THE COMMISSION

On 16 June 1966 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (66)30 either for or against the proposal to suppress *Chilolepis*, as set out in *Bull. zool. Nomencl.* **21** : 305, and, as a separate item, for the preservation of either *Sphalerosophis* or *Spalerosophis*. At the close of the prescribed voting period on 16 September 1966 the state of the voting was as follows:

Part 1. Affirmative votes—eighteen (18), received in the following order: China, Lemche, Holthuis, Brinck, Boschma, Vokes, Obruchev, Binder, do Amaral, Uchida, Tortonese, Mertens, Mayr, Kraus, Forest, Alvarado, Jaczewski, Evans.

Negative votes—one (1): Sabrosky.

Part 2. For *Spalerosophis*—twelve (12): Lemche, Holthuis, Brinck, Vokes, Obruchev, Binder, Mertens, Kraus, Forest, Alvarado, Jaczewski, Evans.

For *Sphalerosophis*—six (6): China, Boschma, do Amaral, Uchida, Tortonese, Mayr.

Voting Papers not returned—two (2): Hubbs, Munroe.

Commissioners Ride, Stoll and Bonnet returned late affirmative votes for the preservation of *Spalerosophis*. Commissioner Simpson returned a late affirmative vote in favour of the preservation of *Sphalerosophis*. In returning his negative vote Commissioner Sabrosky made the following comment:

"I do not consider the case serious enough to warrant Suspension of the Rules, nor am I satisfied with the information and arguments presented.

"1. Original spelling: An error of transliteration had obviously occurred, but under the new Code this is not to be considered an inadvertent error (32a, ii) and hence not to be corrected, contrary to the applicant's statement. One is faced, rather, with two original spellings, Article 32b applies, and a first reviser is free to make a choice between the two spellings. Marx (1959) definitely mentioned *both* spellings and chose *Spalerosophis*; he is a reviser, then, and he may well be the *first* reviser. If so, that is the correct original spelling, and Suspension of the Rules would be necessary to upset it.

"2. The applicant states that *Chilolepis* 'has not been used in other than a synonymic list since its first publication' in 1843. There is an implication, though not specifically stated, that it was used only as a junior synonym. On the contrary, the first work mentioned, Cope (1886), is 'An analytical table of the genera of snakes' (a tabular form key to the genera of the world), and *Chilolepis* is recognized as a valid genus.

"3. Schmidt (1930) is said to have 'resurrected' the name *Spalerosophis*. Apparently it was also unused from the time of its original proposal until then, except in the first two works noted for *Chilolepis*. Since then, the taxon is said to appear 'frequently' in the literature, but I am informed by a herpetologist at the U.S. National Museum that rather rare snakes are involved, and the number of papers is small.

"The two most critical publications on this taxon were seriously in error, in my opinion. Schmidt (1930), who correctly (according to modern authors) recognized that this group of colubrid snakes deserved generic separation from others included in *Zamenis* of Boulenger's Catalogue, should have checked out others of the numerous generic synonyms under Boulenger's *Zamenis* before seizing upon *Spalerosophis*. He resurrected the latter for the species *diadema*, and *cliffordii* (type-species of *Chilolepis*) is now considered a subspecies of *diadema*. Had Schmidt checked *cliffordii*, that able herpetologist would surely have recognized that *diadema* and *cliffordii* were at least congeneric, and that obviously the prior *Chilolepis* was the name of choice.

"Marx (1959) reviewed the group, recognized that *Chilolepis* and *Spalerosophis* applied to the same taxon, and had an opportunity then to apply the Rules. He rejected *Chilolepis* for three reasons, none of which appear to me to be justified: (1) there was no diagnosis by Fitzinger [but Fitzinger included an already described species, *Coluber cliffordii* Schlegel, 1837, and thus made

the generic name available (cf. Art. 16a, v), even as many other Fitzinger names are accepted]; (2) *Chilolepis* was not used to refer to any species in this genus since its publication in 1843 [but Cope, 1886, clearly cited the type-species, *cliffordii*]; and (3), *Spalerosophis* was used in 'many papers' since Schmidt (1930) [but see above statement that the genus is rare. We are given no information by Marx, nor by the applicant Kramer, on the extent of usage; Marx actually cites few papers using *Spalerosophis* (or *Sphalerosophis*)]. As first reviser (presumably), Marx also had the opportunity to choose the correct spelling, *Sphalerosophis*, but he chose *Spalerosophis* on grounds of page precedence, which is not mandatory.

"Incidentally, the Secretary should insist that page references be given. It took some time-wasting search of Cope's long paper to find the name in question."

ORIGINAL REFERENCES

The following are the original references for names placed on the Official Lists and Index by the Ruling given in the present Opinion:

Chilolepis Fitzinger, 1843, *Syst. Rept.*: 26

microlepis, *Sphalerosophis*, Jan, 1865, in Filippi, *Note Viaggio Persia*: 356-357

Spalerosophis Jan, 1865, in Filippi, *Note Viaggio Persia*: 356

Sphalerosophis Jan, 1865, an incorrect original spelling for *Spalerosophis* q.v.

The following is the original reference for a first reviser concerning a genus involved in the present Ruling:

For *Spalerosophis* Jan, 1865: Marx, 1959, *Fieldiana* (Zool.) 39 : 348

CERTIFICATE

We certify that the votes cast on Voting Paper (66)30 were cast as set out above, that one of the alternative proposals contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 794.

G. O. EVANS

Secretary

International Commission on Zoological Nomenclature

W. E. CHINA

Assistant Secretary

London

23 September 1966